

REMARKS

This Response is submitted in reply to the Office Action mailed on January 8, 2009. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to the Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-597 on the account statement.

Claims 1-21 are pending in the application. Claims 9-16 and 18-21 were previously withdrawn. In the Office Action, Claims 1-8 are rejected under 35 U.S.C. §102(b) and Claims 1-8 are rejected under 35 U.S.C. §102(a). In response, Applicants have amended independent Claim 1 and canceled Claims 9-16 and 18-21. The amendment does not add new matter and is supported in the specification, for example, at page 7, lines 3-9. In view of the amendment and for at least the reasons provided below, Applicants respectfully submit that the anticipation rejections to Claims 1-8 should be withdrawn.

The Office Action states, “[t]his application contains claims 9-21 drawn to an invention nonelected with traverse in the reply filed on 04/21/2008. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144).” See, Office Action, page 2, lines 3-6. First, in response to the Examiner’s statement, Applicants cancel Claims 9-16 and 18-21. Second, Applicants submit that the above statement is at least partially inaccurate. In the Restriction Requirement dated March 21, 2008, the Examiner identified Group I as including Claims 1-8 and 17, drawn to a composition comprising an effective amount of an ingredient selected from the group consisting of a molecule that stimulates energy metabolism of the cell and an antioxidant or admixtures thereof in an amount sufficient to improve hair or coat quality of a human or an animal, in an orally acceptable carrier. See, Restriction Requirement dated March 21, 2008, page 2. By electing Claims 1-8 and 17 with traverse, Applicants submit that Claim 17 is not drawn to a nonelected invention as asserted in the current Office Action and therefore is not subject to cancellation in responding to this final Office Action.

In the Office Action, Claims 1-8 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,753,926 to Lucas, et al. (“*Lucas*”). Also in the Office Action, Claims 1-8 are rejected under 35 U.S.C. §102(a) as being anticipated by WO 0211717 to Hamilton (“*Hamilton*”). Amended independent Claim 1 recites a pet food composition for oral

administration comprising an effective amount of an ingredient comprising an admixture of a molecule that stimulates energy metabolism of a cell and an antioxidant in an amount sufficient to improve hair or coat quality of an animal, in an orally acceptable carrier. The amendment to Claim 1 is supported in Applicants' specification, for example, at page 7, lines 3-9. Applicants submit that *Lucas* and *Hamilton* each fail to disclose or suggest every element of the present claims.

Both *Lucas* and *Hamilton* fail to disclose or suggest a pet food composition for oral administration for improving hair or coat quality of an animal as required, in part, by amended independent Claim 1. Instead, *Lucas* teaches an infant food suitable for use in the feeding of low birthweight infants, more especially preterm infants. See, *Lucas*, Abstract. Nothing in *Lucas* teaches or suggests applying the composition to animals or pets, or even young animals or pets. *Hamilton* is deficient because it fails to teach or even suggest providing an oral composition, not to mention and oral composition to pets or animals. Instead, *Hamilton* teaches administering a cosmetic composition to the skin via masks, sunscreens and lotions. See, *Hamilton*, Abstract. In fact, *Hamilton* fails to disclose or suggest that its composition is orally administrable or capable of oral administration. Moreover, rather than teaching applying the composition to hair or a coat, *Hamilton* teaches applying its composition to skin in the form of, for example, sunscreen, cleansers, normalizers, surface moisturizers, anti-wrinkle creams, long-lasting lipsticks, lip-glosses, facial masks, bath salts, chemical peels, facial/neck/hand patches, professional/home facial kits, post-peel gels/creams, moisturizing gloves/socks, medicated creams, paraffin soaks, shave creams, anti-razor rash products, etc. See, *Hamilton*, page 4, line 26 to page 5, line 11 and page 9, line 29 to page 10, line 8. Therefore, it is readily apparent that *Hamilton*, like *Lucas*, teaches compositions for only for human and/or topical use. Accordingly, both references are deficient for failing to disclose or suggest a pet food composition for improving hair or coat quality of an animal as required, in part, by amended independent Claim 1.

The Office Action asserts, however, that *Hamilton* teaches the ability to take the composition internally as part of diets, supplements and nutritional therapies. See, Office Action, page 5, lines 4-6. Applicants respectfully disagree and submit that *Hamilton* does not teach or even suggest the possibility of orally administering any of its cosmetic products. Instead, *Hamilton* discloses several uses of this composition, all of which are for topical use.

Specifically, *Hamilton* teaches a cream or lotion, sunscreen, cleansers, normalizers, surface moisturizers, anti-wrinkle creams, long-lasting lipsticks, lip-glosses, facial masks, bath salts, chemical peels, facial/neck/hand patches, professional/home facial kits, post-peel gels/creams, moisturizing gloves/socks, medicated creams, paraffin soaks, shave creams, anti-razor rash products, etc. See, *Hamilton*, page 4, line 26 to page 5, line 11 and page 9, line 29 to page 10, line 8. Though *Hamilton* discusses the previous use of individual ingredients, such as creatine, in oral compositions, *Hamilton* never discloses or suggests that its composition, and corresponding ingredient levels in that composition, is safe or even capable of oral administration. As a result, *Hamilton* lacks any teaching or suggestion of an oral composition as required by the present claims.

Therefore, Applicants submit that *Lucas* and *Hamilton* each fails to disclose or suggest every element of the present claims. Accordingly, Applicants request that the anticipation rejections of Claims 1-8 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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